

Fink, Zausmer & Kaufman

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February 10, 1999

VIA FACSIMILE

*On Leave

**Also Admitted in Illinois and Ohio

***Also Admitted in District of Columbia

Mr. Frank J. Biros
Environmental Enforcement Section
United States Department of Justice
P.O. Box 7611
Washington DC 20044-7611

Re: Albion-Sheridan Township Landfill Superfund Site
Our File: 71

Dear Mr. Biros:

As I indicated in our most recent conference call regarding the draft Consent Decree, I am writing to provide proposed language to be inserted in Paragraph 106 of the latest draft. As I understand it, Paragraph 106 will now read, with my proposed additions underlined, as follows:

Settling Defendants agree to dismiss the Third-Party Complaints, Counterclaims and Cross-Claims filed herein for contribution, and covenant not to sue each other and agree to waive all claims and causes of action against each other (except for claims to enforce obligations under this Consent Decree), for all Matters Addressed herein relating to the Site. Nothing in this paragraph, however, shall prevent a Settling Defendant who is sued in, or made party to, an action alleging injury and/or damage as a result of the topography of the Site and/or Adjacent Parcels from asserting claims against another Settling Defendant regarding responsibility for such alleged injury and/or damage. Settling Defendants further agree to waive all claims and causes of action for . . .

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Mr. Frank J. Biros
February 10, 1999
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Please insert this language in the next version of the draft Consent Decree so that we may include it in our discussions this Friday.

Very truly yours,

FINK, ZAUSMER & KAUFMAN, P.C.



Michael L. Caldwell

cc: Connie Puchalski
Mel Moseley
Charles Denton
Philip M. Moilanen



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07/10/99**Fink, Zausmer & Kaufman**

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Thank you.

ATTORNEYS & COUNSELLORS